IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22321 of 2004

Between:

M. Jeevaratnam, Ex-Driver,

S/o. George, Laymalle, Guntur District.

..... PETITIONER

AND

1 APSRTC, Rep. by Vice-Chairman and Managing Director,

Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Guntur-I Depot, Guntur, Guntur

District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, Order or directions, more in the nature of writ of Mandamus, directing the respondents herein to pay the petitioners retirement benefits by counting his service from the date of initial appointment as cleaner to till retirement with all particulars forthwith.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondent Nos.1 and 2: MR.R.MANMADHA REDDY (SC FOR APSRTC)

The Court at the admission stage made the following Order:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO.22321 of 2004

ORDER:

The petitioner was initially appointed as a cleaner in the respondent-Corporation on 07.12.1968. Subsequently, he was selected as driver on 02.05.1975. On attaining the age of superannuation, he retired from service on 08.12.2003. The grievance of the petitioner is that the respondent-Corporation failed to take into consideration his full service and pay the retirement benefits from the date of his initial appointment till retirement. Therefore, he made an application before the second respondent on 30.06.2004 with a request to recalculate the retirement benefits from the date of his initial appointment till retirement. As no action has been taken, the present writ petition has been filed.

Learned counsel for the petitioner contended that since the respondent-Corporation has not taken into consideration the date of initial appointment of the petitioner for the purpose of giving retirement benefits, an application was made and, therefore, he requests to pass appropriate orders to consider the

said application.

Learned standing counsel for the respondents contended that the petitioner is entitled for the retirement benefits from the date of his appointment as a cleaner.

The facts are not in dispute. Initially, the petitioner was appointed as a cleaner on 07.12.1968 in the respondent-Corporation and thereafter, he was selected as driver on 02.05.1975. The respondent-Corporation has to decide the date from which the petitioner is entitled for retirement benefits with reference to rules and regulations of the Corporation. Therefore, the second respondent shall consider the application made by the petitioner with regard to recalculation of the retirement benefits and pass appropriate orders.

The writ petition is disposed of directing the second respondent to pass appropriate orders on the application dated 30.06.2004 within a period of four weeks from the date of receipt of a copy of this order. No costs.

03.12.2004

usd

To

1 The Vice-Chairman and Managing Director, APSRTC,

Musheerabad, Hyderabad.
2 The Depot Manager, APSRTC, Guntur-I Depot, Guntur, Guntur

District.

3 2CD copies